Prosecution of people under FERA

2068. MAULANA OBAIDULLAH KHAN AZMI: Will the Minister of FINANCE AND COMPANY AFFAIRS be pleased to state:

(a) the number of cases under section 56 of the FERA, 1973, where fines have been paid but the prosecution continues;

(b) what is the benefit of spending public money on prosecuting the people who have already paid their fines;

(c) whether such guidelines for prosecution exists and if not, whether Government propose to review such cases; and

(d) if so, what action will be taken against the erring officers, who have prosecuted the people outside the ambit of such guidelines?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE AND COMPANY AFFAIRS (SHRI GINGEE N. RAMACHANDRAN): (a) The number of cases where financial penalties imposed consequent to adjudication proceedings under sections 50 & 51 of the Foreign Exchange Regulation Act, (FERA) 1973, have been finally paid, is 47. However, in these cases, prosecutions launched under section 56 of the FERA, 1973, being altogether independent criminal proceedings, are also continuing separately in the competent courts of law.

(b) to (d) The financial penalties are leviable/payable consequent to adjudication proceedings under sections 50 & 51 of FERA, 1973 which are quasi-judicial proceedings held against the people concerned, whereas, the prosecutions under section 56 of the said Act were launched for criminal acts so as to deter violators from further involvement in such activities prejudicial to the interests of the society at large. The prosecution (*i.e.*, the criminal proceedings) and the adjudication (*i.e.*, the departmental quasi-judicial proceedings) are separate and mutually independent of each other.